

**DECISION
AND
FINDING OF NO SIGNIFICANT IMPACT**

**ENVIRONMENTAL ASSESSMENT – REDUCING PIGEON, STARLING, SPARROW,
BLACKBIRD, MOURNING DOVE, VULTURE AND CROW DAMAGE THROUGH AN
INTEGRATED WILDLIFE DAMAGE MANAGEMENT PROGRAM IN THE STATE
OF ALABAMA**

I. INTRODUCTION

The United States Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS), Wildlife Services' (WS) program prepared an Environmental Assessment (EA) to analyze the potential environmental and social effects of resolving Rock Pigeon (feral pigeons) (*Columba livia*), Mourning Dove (*Zenaida macroura*), Black Vulture (*Coragyps atratus*), Turkey Vulture (*Cathartes aura*), European Starling (*Sturnus vulgaris*), House Sparrow (*Passer domesticus*), Red-winged Blackbird (*Agelaius phoeniceus*), Brown-headed Cowbird (*Molothrus ater*), Common Grackle (*Quiscalus quiscula*), and American Crow (*Corvus brachyrhynchos*) damage related to the protection of property, agricultural commodities, natural resources, and human health and safety in Alabama. The EA documents the need for bird damage management and assesses potential impacts on the human environment of four alternatives to address that need. WS' proposed action in the EA implements an integrated bird damage management program to fully address the need for bird damage management while minimizing impacts to the human environment in Alabama.

WS is the federal program authorized by law to reduce damage caused by wildlife (Act of March 2, 1931 (46 Stat. 1468; 7 U.S.C. 426-426b) as amended, and the Act of December 22, 1987 (101 Stat. 1329-331, 7 U.S.C. 426c). Wildlife damage management is the alleviation of damage or other problems caused by or related to the presence of wildlife. Wildlife damage management is recognized as an integral part of wildlife management (The Wildlife Society 1992). WS' uses an integrated damage management approach (WS Directive 2.105) in which a combination of methods may be used or recommended to reduce damage. Resource management agencies, organizations, associations, groups, and individuals have requested WS to conduct bird damage management to protect property, resources, and human health and safety in Alabama. All WS' wildlife damage management activities are in compliance with relevant laws, regulations, policies, orders and procedures.

The EA was prepared to: 1) facilitate planning and interagency coordination, 2) streamline program management, and 3) clearly communicate to the public the analysis of individual and cumulative impacts. This Decision/FONSI ensures WS' actions comply with NEPA, with the Council on Environmental Quality (40 CFR 1500), and with APHIS' NEPA implementing regulations (7 CFR 372). All bird damage management activities, including disposal requirements, are conducted consistent with: 1) the Endangered Species Act of 1973, 2)

Migratory Bird Treaty Reform Act of 2004 3) Executive Order (EO) 12898¹, EO 13045², EO 13112³, and EO 13186⁴, 4) the Federal Insecticide, Fungicide, and Rodenticide Act, and 5) federal, state, and local laws, regulations and policies.

II. PUBLIC INVOLVEMENT

The pre-decisional EA was prepared and released to the public for a 30-day comment period through a legal notice in the *Montgomery Advertiser* that was published for three days beginning on July 19, 2007 and was made available on the APHIS website at http://www.aphis.usda.gov/wildlife_damage/nepa.shtml. A letter of availability was also mailed directly to agencies, organizations, and individuals with probable interest in the proposed action. No comments were received during the public notice period. All documents associated with the public involvement period are maintained at the WS' state office in Alabama.

III. MONITORING

The WS' program will annually review bird damage management activities in Alabama to ensure WS' actions are within the scope of analyses provided in the EA. Those annual monitoring reports will document WS' annual activities while discussing any new information that becomes available since the completion of the EA and the last monitoring report. If WS' activities, as identified in the annual monitoring reports, are outside the scope of the analyses in the EA or if new issues are identified from available information, further analyses would occur and to the degree as identified by those processes pursuant to NEPA.

IV. AFFECTED ENVIRONMENT

The proposed action could be conducted on private, federal, state, tribal, and municipal lands in Alabama to protect agricultural commodities, natural resources, property, and public health and safety. The affected environment includes, but is not necessarily limited to, areas in and around buildings and parks, bridges, industrial sites, urban/suburban woodlots, and in areas where birds may roost, loaf, or nest. Damage management activities may also be conducted at agricultural fields, vineyards, orchards, farmyards, grain mills, and grain handling areas (e.g. railroad yards) where birds destroy crops, feed on spilled grains, or contaminate food products for human or livestock consumption. Additionally, the area of the proposed action would include airports and surrounding property where birds represent a threat to aviation safety.

¹ Executive Order 12898 promotes the fair treatment of people of all races, income levels and cultures with respect to the development, implementation and enforcement of environmental laws, regulations and policies.

² Executive Order 13045 ensures the protection of children from environmental health and safety risks since children may suffer disproportionately from those risks.

³ Executive Order 13112 states that each Federal agency whose actions may affect the status of invasive species shall, to the extent practicable and permitted by law; 1) reduce invasion of exotic species and the associated damages, 2) monitor invasive species populations, provide for restoration of native species and habitats, 3) conduct research on invasive species and develop technologies to prevent introduction, and 4) provide for environmentally sound control, promote public education on invasive species.

⁴ Executive Order 13186 directs federal agencies to protect migratory birds and strengthen migratory bird conservation by identifying and implementing strategies that promote conservation and minimize the take of migratory birds through enhanced collaboration. A national-level MOU between the USFWS and WS is being developed to facilitate the implementation of Executive Order 13186.

V. MAJOR ISSUES

The EA describes in detail the issues considered and evaluated. In addition to the identified major issues considered in detail, six issues were considered but not in detail, with rationale in the EA. The following issues were identified as important to the scope of the analysis (40 CFR 1508.25).

1. Effects on target bird species
2. Effects on other wildlife species, including T&E species
3. Effects on human health and safety
4. Impacts to stakeholders, including aesthetics
5. Humaneness and Animal Welfare Concerns of Methods Used

1. Effects on target bird species

Under the proposed action, WS would incorporate non-lethal and lethal methods in an integrated approach in which all or a combination of methods may be employed to resolve a request for assistance. WS would recommend both non-lethal and lethal methods to interested individuals, as governed by federal, state, and local laws and regulations. Non-lethal methods can disperse or otherwise make an area unattractive to birds causing damage thereby, reducing the presence of birds at the site and potentially the immediate area around the site where non-lethal methods are employed. Non-lethal methods would be given priority when addressing requests for assistance. However, non-lethal methods would not necessarily be employed to resolve every request for assistance if deemed appropriate by WS' personnel or cooperating entities.

Lethal methods would be employed to an individual bird or a group of birds responsible for causing damage or threatening human safety. The use of lethal methods would therefore result in local reductions of target birds in the area where damage or threats were occurring. The number of birds removed from the population using lethal methods under the proposed action would be dependent on the number of requests for assistance received, the number of birds involved with the associated damage or threat, and the efficacy of methods employed. The EA concluded that WS' activities when conducted within the scope analyzed would not adversely impact populations of target bird species.

2. Effects on other wildlife species, including T&E species

The issue of non-target species effects, including effects on T&E species arises from the use of non-lethal and lethal methods identified in the alternatives. The use of non-lethal and lethal methods has the potential to inadvertently disperse, capture or kill non-target wildlife. WS' minimization measures and SOPs are designed to reduce the effects of bird damage management activities on non-target species' populations. To reduce the risks of adverse effects to non-target wildlife, WS selects damage management methods that are as target-selective as possible or apply such methods in ways to reduce the likelihood of capturing non-target species. Before initiating management activities, WS also selects locations which are extensively used by the target species and employs baits or lures which are preferred by those species. Despite WS' best efforts to minimize non-target take during program activities, the potential for adverse effects to

non-target exists when applying both non-lethal and lethal methods to manage damage or reduce threats to safety.

Non-lethal methods have the potential to cause adverse affects on non-targets primarily through exclusion, harassment, and dispersal. Any exclusionary device erected to prevent access of target species also potentially excludes species that are not the primary reason the exclusion was erected. Therefore, non-target species excluded from areas may potentially be adversely impacted if the area excluded is large enough. The use of auditory and visual dispersal methods used to reduce damage or threats caused by target species are also likely to disperse non-targets in the immediate area the methods are employed. Therefore, non-targets may be dispersed from an area while employing non-lethal dispersal techniques. However, like target species, the potential impacts on non-target species are expected to be temporary with target and non-target species often returning after the cessation of dispersal methods.

The lethal take of non-targets from using those methods described in the EA is unlikely with take never reaching a magnitude that a negative impact on populations would occur. Any potential non-targets live-captured using non-lethal methods would be handled in such a manner as to ensure the survivability of the animal if released. The potential adverse affects associated with non-lethal methods are negligible and, in the case of exclusion and harassment methods, often temporary. The use of firearms is virtually 100% selective for target species since animals are identified prior to application; therefore no adverse impacts are anticipated from use of this method. The use of chemical methods, when used according to label directions, poses minimal hazards to non-target wildlife (USDA 1997).

While every precaution is taken to safeguard against taking non-targets during operational use of methods and techniques for resolving damage and reducing threats caused by wildlife, the use of such methods can result in the incidental take of unintended species. Those occurrences are minimal and should not affect the overall populations of any species. WS' take of non-target species during activities to reduce damage or threats to human safety caused by bird species is expected to be extremely low to non-existent. WS will continue to monitor annually the take of non-target species to ensure program activities or methodologies used in bird damage management do not adversely impact non-targets. WS activities are not likely to adversely affect the viability of any wildlife populations from damage management activities.

3. Effects on human health and safety

The EA concluded that the proposed action using an integrated bird damage management program would likely result in a reduction in threats to public health and safety caused by birds in Alabama. The EA also concluded that WS' bird damage management activities when conducted within the scope analyzed would not cause any adverse impacts to public health and safety.

4. Impacts to stakeholders, including aesthetics

As analyzed in the EA, WS would employ methods when requested that would result in the dispersal, exclusion, or removal of individuals or small groups of target bird species to resolve

damage and threats. In some instances where birds are dispersed or removed, the ability of interested persons to observe and enjoy those birds would likely decline temporarily. The presence of birds in those areas where birds were dispersed will likely increase upon cessation of damage management activities.

Even the use of exclusionary devices can lead to dispersal of birds if the resource being damaged was acting as an attractant. Thus, once the attractant has been removed or made unavailable, birds will likely disperse to other areas where resources are more vulnerable.

The use of lethal methods would result in temporary declines in local populations resulting from the removal of those birds responsible for causing damage that resulted in a request for assistance. WS' goal is to respond to requests for assistance and to manage only those birds responsible for the resulting damage. Therefore, the removal of birds would result in localized declines in the presence of those bird species targeted. However, the overall populations of those target species would not be impacted. Based on the localized decline in the presence of target bird species, the EA concluded the effects on aesthetics would be variable depending on the stakeholders' values towards wildlife. However, the ability to view and enjoy birds in Alabama would still remain if a reasonable effort is made to locate birds outside the area in which damage management activities occurred.

5. Humaneness and Animal Welfare Concerns of Methods Used

As analyzed in the EA, humaneness, in part, appears to be a person's perception of harm or pain inflicted on an animal. People may perceive the humaneness of an action differently. The challenge in coping with this issue is how to achieve the least amount of animal suffering within the constraints imposed by current technology and funding.

Some individuals believe any use of lethal methods to resolve damage associated with wildlife is inhumane because the resulting fate is the death of the animal. Others believe that certain lethal methods can lead to a humane death. Others believe most non-lethal methods of capturing wildlife to be humane because the animal is generally unharmed and alive. Still others believe that any disruption in the behavior of wildlife is inhumane. With the multitude of attitudes on the meaning of humaneness, the analyses must consider the most effective way to address damage and threats caused by wildlife in a humane manner. WS is challenged with conducting activities and employing methods that are perceived to be humane while assisting those persons requesting assistance to manage damage and threats associated with wildlife. The goal of WS is to use methods as humanely as possible to effectively resolve requests for assistance to reduce damage and threats to human safety. WS continues to evaluate methods and activities to minimize the potential pain and suffering of those methods when attempting to resolve requests for assistance.

As mentioned previously, some methods have been stereotyped as "humane" or "inhumane". However, many "humane" methods can be inhumane if not used appropriately. For instance, a cage trap is generally considered by most members of the public as "humane". Yet, without proper care, live-captured wildlife in a cage trap can be treated inhumanely if not attended to appropriately.

Therefore, WS' mission is to effectively address requests for assistance using methods in the most humane way possible that minimizes the stress and pain of the animal. WS' personnel are experienced and professional in their use of management methods and methods are applied as humanely as possible.

VI. ALTERNATIVES THAT WERE FULLY EVALUATED

The following four alternatives were developed to respond to the issues. Three additional alternatives were considered but not analyzed in detail. A detailed discussion of the effects of the Alternatives on the issues is described in the EA; below is a summary of the Alternatives.

Alternative 1 - Integrated Bird Damage Management Program (Proposed Action/No Action)

The proposed action would continue the current program of employing an integrated damage management approach using effective methods, as appropriate, to reduce conflicts associated with those bird species addressed in the EA. An integrated damage management strategy would be recommended and used, encompassing the use of practical and effective methods of preventing or reducing damage while minimizing harmful effects of damage management measures on people, other species, and the environment. Under this alternative, WS would provide both technical assistance and operational damage management services. Non-lethal methods would be given first consideration in the formulation of each damage management strategy, and would be recommended or implemented when practical and effective before recommending or implementing lethal methods. However, non-lethal methods would not always be applied as a first response to each damage problem. The most appropriate response could often be a combination of non-lethal and lethal methods, or there could be instances where application of lethal methods alone would be the most appropriate strategy.

Alternative 2 - Non-lethal Bird Damage Management Only by WS

Under this alternative, only non-lethal management approaches would be used or recommended by WS. Both technical assistance and operational damage management services would be provided using non-lethal methods to resolve requests for assistance. Requests for lethal wildlife damage management services would be referred to other entities.

Alternative 3 - Technical Assistance Only

This alternative would only allow WS to provide technical assistance and make recommendations to individuals or agencies requesting bird damage management in Alabama. Technical assistance by WS would place the immediate burden of operational damage management work on other federal, state, or county agencies, private businesses, and property owners. Technical assistance would occur by providing interested cooperators with information and technical advice on the use of methods available for use to manage bird damage.

Alternative 4 - No Federal WS' Bird Damage Management

This alternative would result in no assistance from WS in reducing bird damage in Alabama. WS would provide no technical assistance or operational damage management services. WS would not respond to any requests for bird damage management assistance and would refer all requests to other government entities, local animal control agencies, or private businesses or organizations. Assistance may or may not be available from any of those entities. Damage management methods could be implemented by resource owners, private businesses, or volunteers.

VII. ALTERNATIVE CONSIDERED BUT NOT ANALYZED IN DETAIL

The alternatives analyzed but not in detail are summarized from the EA below:

Lethal Bird Damage Management Only By WS

This alternative would require WS to employ lethal methods only when responding to requests for assistance. Damage management using lethal methods only was eliminated from further analysis because some bird damage problems can be resolved effectively through non-lethal means. Additionally, lethal methods may not always be available for use due to safety concerns or local ordinances prohibiting the use of some lethal methods, such as the discharge of firearms.

Compensation for Bird Damage Losses

The compensation alternative would require the establishment of a system to reimburse persons impacted by bird damage. Compensation requires large expenditures of money, even when compensation is less than full market value when the cost of labor to investigate and validate all damage claims is included. Not all damage situations can be conclusively verified, such as irrefutably attributing disease outbreaks to the presence of birds, even though the birds are a likely cause. There would be little incentive for resource owners or managers to limit damage through tolerance or by implementing damage management methodologies. Compensation would not be practical for reducing threats to human health and safety.

Short Term Eradication and Long Term Suppression

Eradication and suppression as a general strategy for managing bird damage was not considered in detail due to: 1) state and federal agencies with jurisdiction over bird species or an interest in bird species oppose eradication or suppression of any native wildlife species, 2) the eradication or suppression of native species is unacceptable to most of the public, and 3) many bird species are migratory and would require eradication or suppression over large geographical areas.

VIII. DECISION AND RATIONALE

The analyses in the EA demonstrates that Alternative 1 (Proposed Action/No Action Alternative): 1) best addresses the issues identified in the EA, 2) provides safeguards for public health and safety, 3) provides WS the best opportunity to reduce damage with minimal impacts

on non-target species, 4) balances the economic effects to resources protected, and 5) allows WS to meet its obligations to governmental agencies or other entities.

Rationale

The rationale for this decision is based on several considerations. This decision takes into account public comments, social/political and economic concerns, public health and safety and the best available science. The foremost considerations are that: 1) bird damage management will only be conducted by WS at the request of landowners/managers, 2) management actions are consistent with applicable laws, regulations, policies and orders, and 3) no adverse impacts to the environment were identified in the analysis. As a part of this Decision, the Alabama WS' program will continue to provide effective and practical technical assistance and direct management techniques that reduce damage.

Finding of No Significant Impact

Based on the analyses provided in the EA, there are no indications that WS' bird damage management activities in Alabama will have a significant impact, individually or cumulatively, on the quality of the human environment as a result of the proposed action. I agree with this conclusion and therefore, find that an Environmental Impact Statement should not be prepared. This determination is based on the following factors:

1. Bird damage management as conducted by WS in Alabama is not regional or national in scope.
2. The proposed action would pose minimal risk to public health and safety. Risks to the public from WS' methods were determined to be low in a formal risk assessment (USDA 1997, Appendix P).
3. There are no unique characteristics such as park lands, prime farm lands, wetlands, wild and scenic areas, or ecologically critical areas that would be significantly affected. Built-in mitigation measures that are part of WS' standard operating procedures and adherence to laws and regulations will further ensure that WS' activities do not harm the environment.
4. The effects on the quality of the human environment are not highly controversial. Although there is some opposition to wildlife damage management, this action is not highly controversial in terms of size, nature, or effect.
5. Based on the analysis documented in the EA and the accompanying administrative file, the effects of the proposed damage management program on the human environment would not be significant. The effects of the proposed activities are not highly uncertain and do not involve unique or unknown risks.
6. The proposed action would not establish a precedent for any future action with significant effects.

7. No significant cumulative effects were identified through this assessment. The EA discussed cumulative effects of WS' bird damage management on target and non-target species populations and concluded that such impacts were not significant for this or other anticipated actions to be implemented or planned within Alabama.
8. The proposed activities would not affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places, nor would they likely cause any loss or destruction of significant scientific, cultural, or historical resources.
9. WS has determined that the proposed program would not adversely affect any federal or state listed threatened or endangered species. This determination is based upon concurrence from the USFWS that the program will not likely adversely affect any threatened or endangered species in Alabama.
10. The proposed action would be in compliance with all federal, state, and local laws.

Decision

I have carefully reviewed the EA prepared for this proposal and the input from the public involvement process. I find the proposed program to be environmentally acceptable, addressing the issues and needs while balancing the environmental concerns of management agencies, landowners, advocacy groups, and the public. The analyses in the EA adequately addresses the identified issues which reasonably confirm that no significant impact, individually or cumulatively, to wildlife populations or the quality of the human environment are likely to occur from the proposed action, nor does the proposed action constitute a major federal action. Therefore, the analysis in the EA remains valid and does not warrant the completion of an Environmental Impact Statement.

Based on the EA, the issues identified are best addressed by selecting Alternative 1 – Integrated Bird Damage Management Program (Proposed Action/No Action) and applying the associated mitigation measures discussed in Chapter 3 of the EA. Alternative 1 successfully addresses (1) bird damage management using a combination of the most effective methods and does not adversely impact the environment, property, and/or non-target species, including T/E species (2) it offers the greatest chance at maximizing effectiveness and benefits to resource owners and managers while minimizing cumulative impacts on the quality of the human environment that might result from the program's effect on target and non-target species populations; (3) it presents the greatest chance of maximizing net benefits while minimizing adverse impacts to public health and safety; and (4) it offers a balanced approach to the issues of humaneness and aesthetics when all facets of these issues are considered. Further analysis would be triggered if changes occur that broaden the scope of bird damage management activities, that affect the natural or human environment, or from the issuance of new environmental regulations. Therefore, it is my decision to implement the proposed action (Alternative 1) as described in the EA.

Copies of the EA are available upon request from the Alabama Wildlife Services Office, 602
Duncan Drive, Auburn University, Alabama 36849.



Charles S. Brown, Regional Director
APHIS-WS Eastern Region

8/22/07

Date

Literature Cited:

Slate, D. A., R. Owens, G. Connolly, and G. Simmons. 1992. Decision making for wildlife damage management. *Trans. North Am. Wildl. Nat. Res. Conf.* 57:51-62.

The Wildlife Society. 1992. Conservation policies of The Wildlife Society: A stand on issues important to wildlife conservation. The Wildlife Society, Bethesda, Md. 24pp.

USDA. 1997 (revised). Animal Damage Control Program, Final Environmental Impact Statement – Revised October 1997. USDA, APHIS, Wildlife Services Operational Support Staff, 4700 River Road, Unit 87, Riverdale, MD 20737.